

## Assembly Bill No. 92

### CHAPTER 894

An act to add Sections 73.5, 73.6, and 73.7 to the Military and Veterans Code, relating to veterans.

[Approved by Governor October 9, 1999. Filed  
with Secretary of State October 10, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 92, Floyd. Inspector General for Veterans Affairs.

Existing law provides for veterans programs, including the veterans farm and home purchase programs, and provides for veterans homes.

This bill would create the office of Inspector General for Veterans Affairs, who would be subject to the direction of the Governor, to replace the administratively created position of Internal Auditor in the Department of Veterans Affairs. The bill would require the inspector general to be appointed by the Governor, subject to Senate confirmation. The inspector general would be responsible for reviewing the operations and financial condition of each California veterans home, each veterans farm and home purchase program, and all other veterans programs supported by the state. The bill would require the inspector general to submit a report and make any recommendations he or she deems necessary for improving the operations of the veterans programs to the board on at least an annual basis and to the Legislature annually.

The bill (1) would authorize the inspector general to receive communications from any individual who believes he or she may have information that warrants a review or investigation of a veterans program, (2) would authorize, and in some instances require, the inspector general to conduct a review or investigation, (3) would require the establishment of a toll-free telephone number to report alleged wrongdoing regarding veterans programs, and (4) would set forth procedures for discipline by adverse action, as specified, for any state officer or employee who retaliates or engages in similar acts against employees who make such reports in good faith.

*The people of the State of California do enact as follows:*

SECTION 1. Section 73.5 is added to the Military and Veterans Code, to read:

73.5. (a) (1) There is hereby created the office of Inspector General for Veterans Affairs to replace the administratively created position of Internal Auditor within the department.

(2) The inspector general shall be appointed by the Governor, subject to Senate confirmation.

(3) (A) The inspector general shall be subject to the direction of the Governor.

(B) The inspector general shall provide ongoing and independent advice to the board regarding any issue that is being considered by the board.

(b) The inspector general shall be responsible for all of the following:

(1) Reviewing the operations and financial condition of each California veterans home and veterans farm and home purchase program. For the purposes of reviewing the operations of each veterans home, the Veterans Home Allied Council and home residents shall have unfettered access to the inspector general.

(2) Reviewing the operation and financial condition of all other veterans programs supported by the state including, but not limited to, county veterans service offices and veterans memorials.

(3) Investigating any allegations of department employee misconduct and reporting any findings of misconduct directly to the secretary, for further action that the secretary may deem necessary.

(c) (1) The inspector general shall conduct a review or investigation, as specified in subdivision (b), if requested to do so by the Governor, any member of the board, or the secretary. In addition, the inspector general may conduct a review or investigation, as specified in subdivision (b), as he or she deems necessary or if requested by any Member of the Legislature or any member of the public.

(2) Whenever the inspector general conducts a review or investigation pursuant to a request of any Member of the Legislature, the inspector general shall submit a report of his or her findings to that member.

(d) Notwithstanding Section 7550.5 of the Government Code, the inspector general shall submit a report and make any recommendations he or she deems necessary for improving the operations of the veterans programs to the board on at least an annual basis and to the Legislature annually.

SEC. 2. Section 73.6 is added to the Military and Veterans Code, to read:

73.6. (a) The inspector general may receive communications from any individual, including, but not limited to, a participant in a farm and home purchase program or a resident of a California veterans home, who believes he or she may have information that warrants a review or investigation of a veterans program that is supported by the state. The identity of the person providing the

information shall be held as confidential by the inspector general and may be disclosed only to the Governor, any member of the board, any Member of the Legislature, or the secretary, as the inspector general deems appropriate and in the furtherance of his or her duties.

(b) In order to properly respond to any allegation, the inspector general shall establish a toll-free public telephone number for the purpose of identifying any alleged wrongdoing regarding veterans programs. This telephone number shall be posted at every California veterans home and throughout all department and county veterans service offices, in clear view of all veterans home residents, employees, and the public. In addition, the telephone number shall be issued to every participant of a home purchase program. When deemed appropriate by the inspector general, he or she shall initiate a review or investigation of any alleged wrongdoing. However, any request to conduct an investigation shall be in writing. The request shall be confidential and is not subject to disclosure under the Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(c) The identity of the person providing the information that initiated the review or investigation shall not be disclosed without that person's written permission, except to a law enforcement agency in the furtherance of its duties.

SEC. 3. Section 73.7 is added to the Military and Veterans Code, to read:

73.7. (a) Any state officer or employee who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against an employee of any state department, board, or authority for having disclosed what the employee, in good faith, believed to be improper activities regarding veterans programs that are supported by the state shall be disciplined by adverse action as provided in Section 19572 of the Government Code. If no adverse action is instituted by the appointing power, the State Personnel Board shall take adverse action in the same manner as provided in Section 19583.5 of the Government Code.

(b) In addition to all other causes of action, penalties, or other remedies provided by law, any state officer or employee who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against an employee for having disclosed what the employee, in good faith, believed to be improper activities regarding veterans programs that are supported by the state shall be liable in an action for damages brought against him or her by the injured party. Punitive damages may be awarded by the court if the acts of the offending party are proven to be malicious. If liability has been established, the injured party also shall be entitled to reasonable attorney's fees as provided by law.

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